

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 04 ZAGREB 000680

SIPDIS

STATE FOR S/WCI, EUR/SCE, INL/AAE, EUR/ACE, AND DRL  
JUSTICE FOR OPDAT AND ICITAP  
SARAJEVO FOR KONTOS AND TILMAN  
BELGRADE FOR BROWN

CONFIDENTIAL

PAGE 02 ZAGREB 00680 01 OF 04 260700Z  
THE HAGUE FOR JOHNSON/KAYE/WHEATON

E.O. 12958: DECL: 03/25/2013

TAGS: [KAWC](#) [KJUS](#) [PREL](#) [KAWC](#) [KJUS](#) [PREL](#) [KAWC](#) [KJUS](#) [PREL](#) [KAWC](#) [KJUS](#) [PREL](#) [HR](#) [HRICTY](#) [UNSC](#)  
SUBJECT: CROATIA WAR CRIMES: GOSPIC CASE ENDS IN CONVICTION

REF: A. 02 ZAGREB 2853  
[1](#)B. 02 ZAGREB 2451

CLASSIFIED BY: POLOFF ROBERT SILBERSTEIN, REASON 1.5 (B) AND (D)

SUMMARY

[1](#)1. (C) ON MARCH 24, THE RIJEKA COUNTY COURT FOUND FORMER CROATIAN ARMY GENERAL MIRKO NORAC AND TWO CO-CONSPIRATORS GUILTY OF INDIVIDUAL AND COMMAND RESPONSIBILITY IN THE MURDER OF OVER 50 ETHNIC SERBS AND CROAT CIVILIANS IN THE TOWN OF GOSPIC IN 1991. THE LANDMARK VERDICT, WHICH THE SUPREME COURT WILL HEAR ON DEFENSE APPEAL, MARKS THE FIRST TIME THAT SENIOR CROATIAN MILITARY OFFICIALS HAVE BEEN CONVICTED IN A CROATIAN COURT FOR WAR CRIMES. CROATIA'S RIGHT WING -- INCLUDING HDZ PRESIDENT SANADER -- CONDEMNED THE DECISION; PRIME MINISTER RACAN AND VIRTUALLY THE REST OF THE GOC COALITION OFFERED NO COMMENT. THE ICTY, WHICH CONTINUES TO HAVE INTEREST IN NORAC FOR HIS ROLE IN WAR CRIMES COMMITTED DURING THE 1993 MEDAK POCKET OPERATION, TELLS US IT WELCOMES THE RULING.

[1](#)2. (C) THE GOSPIC RULING IS A WELCOME TONIC AFTER THE SERIES OF FAILURES TO CONVICT ETHNIC CROAT WAR CRIMES PERPETRATORS  
CONFIDENTIAL

PAGE 03 ZAGREB 00680 01 OF 04 260700Z  
IN OTHER JURISDICTIONS IN CROATIA, MOST NOTABLY THE LORA WAR CRIMES CASE IN SPLIT (REFTELS). THE CREDIT FOR THE SUCCESS GOES TO JUDGE SARIC AND A FEW DETERMINED PROSECUTORS AND INVESTIGATORS. WITHOUT INTENSIVE AND SUSTAINED REFORM TO OVERCOME BIASED JUDGES, WITNESS INTIMIDATION, DELIBERATE OBSTRUCTION OF JUSTICE, POLITICAL OPPOSITION AND A FLAWED CRIMINAL CODE, THE GOSPIC CASE LIKELY WILL REMAIN THE EXCEPTION, NOT THE RULE. WE WILL CONTINUE TO ENGAGE WITH THE GOC TO DEVELOP A ROAD MAP FOR HOW WE CAN SUPPORT THE EFFORTS OF REFORMERS IN THIS DIFFICULT PROCESS, WHICH IS NECESSARY FOR THE ESTABLISHMENT OF FULL RULE OF LAW AND DEMOCRATIC NORMS IN CROATIA. END SUMMARY.

A LANDMARK RULING  
-----

[1](#)3. (C) ON MARCH 24, RIJEKA COUNTY COURT JUDGE IKA SARIC, SENTENCED FORMER CROATIAN GENERAL MIRKO NORAC, LOCAL CIVILIAN LEADER TIHOMIR ORESKOVIC, AND FORMER CROATIAN ARMY COLONEL STJEPAN GRANDIC TO 12, 15 AND 10 YEARS OF PRISON, RESPECTIVELY, FOR THEIR ROLES IN ORGANIZING AND MURDERING AT LEAST 42 ETHNIC SERB AND ETHNIC CROATS IN THE TOWN OF GOSPIC IN 1991. THE CASE MARKS THE FIRST TIME SENIOR CROATIAN MILITARY OFFICIALS WERE CONVICTED OF WAR CRIMES IN A LOCAL PROSECUTION. A FOURTH INDICTEE, IVICA ROZIC, WAS ACQUITTED DUE TO LACK OF EVIDENCE, WHILE THE PROSECUTION DROPPED CHARGES AGAINST A FIFTH INDICTEE, MILAN CANIC, IN MID-MARCH. (IMMEDIATELY FOLLOWING HIS ACQUITTAL, THE GOSPIC PROSECUTOR'S OFFICE INDICTED ROZIC FOR PLANTING 13 EXPLOSIVE DEVICES IN THE HOMES OF ETHNIC SERB RETURNEES FROM 1996 TO 1998, KILLING SIX. CROATIAN DIRECTOR GENERAL OF POLICE RANKO OSTOJIC TOLD  
CONFIDENTIAL

PAGE 04 ZAGREB 00680 01 OF 04 260700Z  
US THAT THE POLICE BELIEVE ROZIC ALSO IS RESPONSIBLE FOR THE AUGUST 2000 MURDER OF ICTY WITNESS MILAN LEVAR, ALTHOUGH THEY HAVE INSUFFICIENT EVIDENCE TO PROSECUTE HIM.)

[1](#)4. (SBU) DEFENSE ATTORNEYS SAID THEY WOULD APPEAL THE CASE TO THE SUPREME COURT, ARGUING THAT THERE WAS INSUFFICIENT EVIDENCE TO CONVICT THE SUSPECTS. THE SUPREME COURT HAS THE RIGHT TO ANNUL THE VERDICT OR TO REDUCE (OR INCREASE) THE SENTENCE. DORIS HRAST, LEAD PROSECUTOR IN THE CASE, TOLD US THAT THE PROSECUTION WOULD APPEAL THE ROZIC ACQUITTAL AND ARGUE THAT THE SUPREME COURT UPHOLD THE SENTENCES AGAINST THE OTHER THREE FELONS. THERE IS NO INDICATION AS TO WHEN THE SUPREME COURT MIGHT ISSUE ITS VERDICT -- PROSECUTION APPEALS IN OTHER WAR CRIMES CASES HAVE BEEN PENDING FOR OVER FIFTEEN MONTHS. COUNTING THE TWO-PLUS YEARS NORAC SERVED IN

DETENTION AWAITING AND DURING TRIAL, HE WILL BE ELIGIBLE FOR PAROLE IN FIVE YEARS (AFTER HALF THE SENTENCE IS SERVED).

IF ALL CROATIAN JUDGES WERE LIKE SARIC...

15. (SBU) JUDGE SARIC WITHSTOOD WITHERING RIGHT WING INTIMIDATION AND DEATH THREATS DURING THE COURSE OF THE TWO-YEAR TRIAL TO DELIVER A FAIR BUT FIRM DECISION. READING

CONFIDENTIAL

CONFIDENTIAL PTQ1803

PAGE 01 ZAGREB 00680 02 OF 04 260700Z  
ACTION SWCI-00

INFO	LOG-00	NP-00	AF-00	AMAD-00	ACQ-00	CIAE-00	INL-00
	USNW-00	DODE-00	SRPP-00	DS-00	EAP-00	EUR-00	VC-00
	TEDE-00	INR-00	IO-00	LAB-01	L-00	VCE-00	AC-01
	NSAE-00	NSCE-00	OIC-02	OMB-01	DHS-00	PA-00	PM-00
	PRS-00	ACE-00	P-00	SSO-00	SS-00	TRSE-00	T-00
	USIE-00	R-00	PMB-00	DSCC-00	PRM-00	DRL-01	G-00
	NFAT-00	SAS-00	/006W				

-----4AD0C4 260701Z /38

P 260700Z MAR 03  
FM AMEMBASSY ZAGREB  
TO SECSTATE WASHDC PRIORITY 9817  
INFO AMEMBASSY BELGRADE PRIORITY  
AMEMBASSY LJUBLJANA PRIORITY  
AMEMBASSY LONDON PRIORITY  
AMEMBASSY SARAJEVO PRIORITY  
AMEMBASSY THE HAGUE PRIORITY  
DEPT OF JUSTICE WASHDC PRIORITY  
USMISSION USNATO PRIORITY  
USMISSION USOSCE PRIORITY  
USMISSION USUN NEW YORK PRIORITY

C O N F I D E N T I A L SECTION 02 OF 04 ZAGREB 000680

SIPDIS

STATE FOR S/WCI, EUR/SCE, INL/AAE, EUR/ACE, AND DRL  
JUSTICE FOR OPDAT AND ICITAP  
SARAJEVO FOR KONTOS AND TILMAN  
BELGRADE FOR BROWN

CONFIDENTIAL

PAGE 02 ZAGREB 00680 02 OF 04 260700Z  
THE HAGUE FOR JOHNSON/KAYE/WHEATON

E.O. 12958: DECL: 03/25/2013

TAGS: [KAWC](#) [KJUS](#) [PREL](#) [KAWC](#) [KJUS](#) [PREL](#) [KAWC](#) [KJUS](#) [PREL](#) [HR](#) [HRICTY](#) [UNSC](#)  
SUBJECT: CROATIA WAR CRIMES: GOSPIC CASE ENDS IN CONVICTION

HER VERDICT TO A COURTROOM PACKED WITH NORAC SUPPORTERS AND 500 RIGHT-WING PROTESTORS OUTSIDE THE COURTHOUSE, SARIC MADE A POINT OF READING THE NAME OF EVERY VICTIM, EMPHASIZING THAT THEY WERE ALL LOYAL TO THE CROATIAN STATE. SHE EMPHASIZED THAT THERE WAS NO JUSTIFICATION WHATSOEVER FOR THEIR "LIQUIDATION." APOLOGIZING TO THE FAMILIES OF THE VICTIMS, SARIC SAID THAT SHE HOPED THE SENTENCE WOULD BRING THEM SOME COMFORT. SHE RECOMMENDED TO THE PROSECUTION THAT OTHERS WHO PARTICIPATED IN PLANNING AND EXECUTING THE CRIMES BE TRIED AS WELL. (ACCORDING TO VARIOUS WITNESSES, UP TO 15 PERSONS PARTICIPATED IN THE MEETING THAT ORESKOVIC AND NORAC CHAIRED IN WHICH ETHNIC SERB AND ETHNIC CROAT NON-COMBATANTS IN THE GOSPIC AREA WERE MARKED FOR EXECUTION.) AT THE SAME TIME, SARIC SAID THAT MITIGATING CIRCUMSTANCES -- NORAC'S YOUTH AND INEXPERIENCE, HIS RECORD OF "VALOR" IN DEFENSE OF GOSPIC, AND PRIOR SERB WAR CRIMES AGAINST ETHNIC CROATS -- COMPELLED HER NOT TO EXTEND THE MAXIMUM PUNISHMENT OF TWENTY YEARS AGAINST THE THREE CONVICTED DEFENDANTS. (WHILE A MODEST SENTENCE BY U.S. STANDARDS, THE GOSPIC VERDICT WAS IN LINE WITH STANDARDS BOTH LOCALLY AND ELSEWHERE IN EUROPE.)

CROATIAN POLITICIANS, ICTY REACT

16. (SBU) POLITICIANS OF ALL STRIPES IGNORED JUDGE SARIC'S  
CONFIDENTIAL

PAGE 03 ZAGREB 00680 02 OF 04 260700Z  
MESSAGE THAT CROATIANS NEED TO BEAR RESPONSIBILITY FOR WAR CRIMES THEY COMMITTED. CALLING NORAC A "GREAT CONTRIBUTOR TO THE DEFENSE OF THE HOMELAND," HDZ PRESIDENT IVO SANADER SAID THAT HE RECEIVED THE VERDICT WITH GREAT "SORROW." HE SAID HE WAS "HOPEFUL" THAT "TRUTH AND JUSTICE" WOULD PREVAIL IN THE SUPREME COURT. SANADER CRITICIZED THE GOC FOR FOMENTING A CLIMATE THAT "CRIMINALIZES BOTH WAR VETERANS AND CROATIA'S INDEPENDENCE WAR." (COMMENT: BY PLAYING TO THE NATIONALIST RIGHT YET AGAIN, SANADER MISSED AN OPPORTUNITY TO DEMONSTRATE THAT HE IS SINCERE IN HIS ATTEMPTS TO MODERNIZE AND TRANSFORM THE HDZ. WE HAVE LET THE HDZ KNOW OF OUR DISAPPOINTMENT AND OUR RESOLVE NOT TO GIVE SANADER THE VALIDATION HE SEEKS FROM US UNLESS HIS PUBLIC RHETORIC MATCHES HIS PRIVATE ASSURANCES

OF REFORM. END COMMENT.)

17. (SBU) PRIME MINISTER RACAN AND OTHER LEADING COALITION FIGURES REFUSED TO COMMENT ON THE JUDGMENT, BUT CALLED ON CROATIANS TO RESPECT THE JUDICIAL PROCESS AND NOT TAKE TO THE STREETS IN PROTEST. HE SAID THAT THE PROCESS "CONFIRMED THAT CROATIA IS A STATE IN WHICH RULE OF LAW PREVAILS." ONLY IVO BANAC, PRESIDENT OF THE TINY COALITION LIBERAL PARTY (LS), HAD THE COURAGE TO STATE THAT CRIMES WERE COMMITTED IN GOSPIC AND THAT THE RIJEKA COURT'S RULING DEMONSTRATES THE SERIOUSNESS OF THOSE CRIMES.

18. (C) ICTY ZAGREB HEAD OF OFFICE THOMAS OSORIO TOLD US THAT ICTY PRIVATELY WELCOMED THE RULING, ALTHOUGH IT WOULD REFRAIN FROM PUBLIC COMMENT, AT THE VERY LEAST UNTIL IT HAS A CHANCE TO READ AND REVIEW SARIC'S WRITTEN VERDICT. (THE WRITTEN VERDICT IS NOT EXPECTED FOR AT LEAST A MONTH). DESPITE THE GOSPIC CASE RULING, ICTY STILL MAY INDICT NORAC FOR HIS ROLE  
CONFIDENTIAL

PAGE 04 ZAGREB 00680 02 OF 04 260700Z  
IN WAR CRIMES COMMITTED BY THE CROATIAN MILITARY DURING THE 1993 "MEDAK POCKET" OPERATION, OSORIO SAID. ACCORDING TO CROATIAN PROSECUTOR HRAST, THERE IS NO LEGAL OBSTACLE TO NORAC SERVING HIS CROATIAN SENTENCE WHILE AWAITING TRIAL IN THE HAGUE.

IMPLICATION FOR LOCAL PROSECUTIONS  
-----

19. (C) RACAN AND OTHER GOC OFFICIALS ARGUE THAT THE GOSPIC CASE DEMONSTRATES THAT CROATIAN COURTS ARE CAPABLE OF DELIVERING JUSTICE IN HIGHLY SENSITIVE WAR CRIMES CASES. HOWEVER, NOT TO DETRACT AT ALL FOR THE REAL COURAGE OF JUDGE SARIC AND OTHER INVOLVED IN BRINGING A HIGHLY COMPLEX AND SENSITIVE CASE TO A SUCCESSFUL CONCLUSION, GOSPIC REMAINS THE EXCEPTION, NOT THE RULE IN CROATIAN JURISPRUDENCE.

110. (C) AS REPORTED REFTELS, OTHER WAR CRIMES CASES AGAINST ETHNIC CROATS -- SUCH AS THE NOTORIOUS LORA CASE -- HAVE ENDED IN FIASCO. CHIEF PROSECUTOR MLADEN BAJIC RECENTLY COMPLAINED TO US THAT LOCAL POLICE OFFICERS INCREASINGLY ARE OBSTRUCTING NEW WAR CRIMES INVESTIGATIONS AGAINST ETHNIC CROATS. BAJIC ADDED THAT HE FINDS IT INCREASINGLY DIFFICULT TO CONTROL HIS LOCAL PROSECUTORS IN WAR-AFFECTED AREAS SUCH

CONFIDENTIAL

CONFIDENTIAL PTQ1808

PAGE 01 ZAGREB 00680 03 OF 04 260701Z  
ACTION SWCI-00

INFO	LOG-00	NP-00	AF-00	AMAD-00	ACQ-00	CIAE-00	INL-00
	USNW-00	DODE-00	SRPP-00	DS-00	EAP-00	EUR-00	VC-00
	TEDE-00	INR-00	IO-00	LAB-01	L-00	VCE-00	AC-01
	NSAE-00	NSCE-00	OIC-02	OMB-01	DHS-00	PA-00	PM-00
	PRS-00	ACE-00	P-00	SSO-00	SS-00	TRSE-00	T-00
	USIE-00	R-00	PMB-00	DSCC-00	PRM-00	DRL-01	G-00
	NFAT-00	SAS-00	/006W				

-----4AD0DA 260701Z /38

P 260700Z MAR 03  
FM AMEMBASSY ZAGREB  
TO SECSTATE WASHDC PRIORITY 9818  
INFO AMEMBASSY BELGRADE PRIORITY  
AMEMBASSY LJUBLJANA PRIORITY  
AMEMBASSY LONDON PRIORITY  
AMEMBASSY SARAJEVO PRIORITY  
AMEMBASSY THE HAGUE PRIORITY  
DEPT OF JUSTICE WASHDC PRIORITY  
USMISSION USNATO PRIORITY  
USMISSION USOSCE PRIORITY  
USMISSION USUN NEW YORK PRIORITY

C O N F I D E N T I A L SECTION 03 OF 04 ZAGREB 000680

SIPDIS

STATE FOR S/WCI, EUR/SCE, INL/AEE, EUR/ACE, AND DRL  
JUSTICE FOR OPDAT AND ICITAP  
SARAJEVO FOR KONTOS AND TILMAN  
BELGRADE FOR BROWN

CONFIDENTIAL

PAGE 02 ZAGREB 00680 03 OF 04 260701Z  
THE HAGUE FOR JOHNSON/KAYE/WHEATON

E.O. 12958: DECL: 03/25/2013  
TAGS: [KAWC](#) [KJUS](#) [PREL](#) [KAWC](#) [KJUS](#) [PREL](#) [KAWC](#) [KJUS](#) [PREL](#) [KAWC](#) [KJUS](#) [PREL](#) [HR](#) [HRICTY](#) [UNSC](#)  
SUBJECT: CROATIA WAR CRIMES: GOSPIC CASE ENDS IN CONVICTION

AS OSIJEK, GOSPIC AND SISAK.

111. (C) THE GOSPIC TRIAL WAS SUCCESSFUL BECAUSE OF A UNIQUE CONFLUENCE OF CIRCUMSTANCES:

-- IKA SARIC PROVED TO BE THE RIGHT JUDGE FOR THE CASE. STRONG WILLED AND PROFESSIONAL, SHE WAS ABLE TO WITHSTAND UNRELENTING RIGHT-WING PRESSURE AND THREATS. LAW ENFORCEMENT OFFICIALS IN RIJEKA TELL US THAT AT LEAST ONE OTHER WAR CRIMES CASE THERE HAS STAGNATED BECAUSE INVESTIGATORS FEAR RIGHT-WING RETRIBUTION AGAINST THEIR FAMILIES.

-- PROSECUTORS IN RIJEKA WERE ABLE TO DEVELOP SUFFICIENT PHYSICAL EVIDENCE TO CORROBORATE AND TO COMPEL CONVINCING EYEWITNESS TESTIMONY. THIS COMBINATION OF REINFORCING MATERIAL AND WITNESS TESTIMONY HAS BEEN LACKING IN OTHER CASES, MOST NOTABLY THE LORA WAR CRIMES TRIAL IN SPLIT. -- THE PROSECUTION SKILLFULLY USED THE TESTIMONY OF SUSPECT STJEPAN GRANDIC AGAINST NORAC AND ORESKOVIC.

-- IN ADDITION TO ETHNIC SERBS, NORAC AND HIS CO-CONSPIRATORS ALSO MURDERED ETHNIC CROATS WHOM THEY BELIEVED WERE NOT SUFFICIENTLY "RELIABLE." ACCORDING TO HRAST, THE MURDER OF CROATS HELPED INDUCE A NUMBER OF KEY WITNESSES TO STEP FORWARD AND TESTIFY, DESPITE INTENSE INTIMIDATION.

CONFIDENTIAL

PAGE 03 ZAGREB 00680 03 OF 04 260701Z

-- UNLIKE SOME OTHER WAR CRIMES CASES, THE DOCUMENT TRAIL IN THE GOSPIC CASE WAS EXTENSIVE, TO INCLUDE RECORDED BRIEFINGS TO BOTH PRESIDENT TUDJMAN AND DEFENSE MINISTER SUSAK. THIS DOCUMENT TRAIL MADE IT MORE DIFFICULT FOR THE DEFENDANTS TO COVER THEIR TRACKS AND FOR WITNESSES TO DEVELOP "AMNESIA."

-- EARLY IN THE TRIAL PROCESS, THE CASE WAS TRANSFERRED FROM GOSPIC TO RIJEKA, WHERE THE TRIAL COULD BE HELD IN A RELATIVELY BENIGN ENVIRONMENT. HRAST WAS CONVINCED THAT HAD THE TRIAL BEEN CONDUCTED IN GOSPIC -- CROATIA'S "TWIN PEAKS" EQUIVALENT -- THE PRESSURE ON THE JUDGES AND WITNESSES WOULD HAVE BEEN SO INTENSE AS TO PRECLUDE ANY CHANCE OF CONVICTION. HOWEVER, THE GOC -- FOR DOMESTIC POLITICAL REASONS -- HAS BEEN RELUCTANT TO TRANSFER OTHER WAR CRIMES CASES TO "SAFER" COURTS. ALL OTHER WAR CRIMES PROSECUTIONS AGAINST ETHNIC CROATS IN CROATIA HAVE BEEN HELD IN THEIR ORIGINAL JURISDICTIONS. ALL HAVE ENDED WITH VERY QUESTIONABLE RESULTS.

LESSONS LEARNED  
-----

12. (C) THE BOTTOM LINE, ACCORDING TO HRAST AND, SEPARATELY, CHIEF PROSECUTOR MLADEN BAJIC, IS THAT -- BARRING SIGNIFICANT LEGISLATIVE REFORM AND INCREASED POLITICAL SUPPORT FOR THOSE PRESSING FORWARD WITH WAR CRIMES TRIALS -- THE GOSPIC CASE WILL CONTINUE TO BE THE EXCEPTION AND NOT THE RULE. FOR EXAMPLE, THEY POINT OUT THAT THE GOSPIC CASE IS AN INSTRUCTIVE LESSON FOR OTHER CROATIAN JUDGES. JUSTICE SARIC, WHO HAILS FROM THE SAME AREA OF CENTRAL DALMATIA AS ICTY

CONFIDENTIAL

PAGE 04 ZAGREB 00680 03 OF 04 260701Z

FUGITIVE ANTE GOTOVINA, IS EFFECTIVELY OSTRACIZED FROM HER COMMUNITY AND MUST LIVE UNDER A CONTINUING CLOUD OF THREAT AND INTIMIDATION FROM THE RIGHT-WING.

13. (C) OUR CONTACTS MAINTAIN THAT UNLESS CROATIA'S ELITE BEGINS TO ENFORCE RIGOROUS JUDICIAL PERFORMANCE AND ETHICAL STANDARDS, CROATIAN JUDGES ARE MUCH MORE LIKELY TO EMULATE LOZINA RATHER THAN SARIC. UNFORTUNATELY, CHIEF SUPREME COURT JUSTICE IVICA CRNIC IS NOT A LEADER, AND HE AND OTHER JUDGES ARE OVERLY SENSITIVE TO OUTSIDE CRITICISM. THEY ARE SLOW TO DISCIPLINE THEIR OWN, EVEN WHEN IT IS A CASE AS EGREGIOUS AS JUSTICE LOZINA.

14. (C) IN ADDITION TO ESTABLISHING AND ENFORCING STRICT JUDICIAL STANDARDS OF PERFORMANCE AND ETHICS, THE GOC ALSO MUST UNDERTAKE ADDITIONAL LEGISLATIVE REFORMS IF IT IS TO ENSURE THE EFFECTIVE PROSECUTION OF WAR CRIMES CASES:

-- CROATIAN LAW ENFORCEMENT OFFICIALS TELL US THAT THE GOC'S FAILURE TO PROTECT WITNESSES IS A SEVERE HANDICAP. NEW WITNESS PROTECTION LEGISLATION HAS BEEN DRAFTED WITH THE ASSISTANCE OF OUR DOJ/RLA PROGRAM, BUT THE DRAFT LAW AWAITS GOC APPROVAL BEFORE IT CAN BE SENT TO PARLIAMENT. IT WILL BE A YEAR, IF NOT LONGER, BEFORE CROATIA HAS THE SEMBLANCE OF A FUNCTIONAL WITNESS PROTECTION PROGRAM, THAT IS, ASSUMING THAT

CONFIDENTIAL

CONFIDENTIAL PTQ1814

PAGE 01 ZAGREB 00680 04 OF 04 260701Z  
ACTION SWCI-00

INFO	LOG-00	NP-00	AF-00	AMAD-00	ACQ-00	CIAE-00	INL-00
	USNW-00	DODE-00	SRPP-00	DS-00	EAP-00	EUR-00	VC-00
	TEDE-00	INR-00	IO-00	LAB-01	L-00	VCE-00	AC-01
	NSAE-00	NSCE-00	OIC-02	OMB-01	DHS-00	PA-00	PM-00
	PRS-00	ACE-00	P-00	SSO-00	SS-00	TRSE-00	T-00
	USIE-00	R-00	PMB-00	DSCC-00	PRM-00	DRL-01	G-00
	NFAT-00	SAS-00	/006W				

P 260700Z MAR 03  
FM AMEMBASSY ZAGREB  
TO SECSTATE WASHDC PRIORITY 9819  
INFO AMEMBASSY BELGRADE PRIORITY  
AMEMBASSY LJUBLJANA PRIORITY  
AMEMBASSY LONDON PRIORITY  
AMEMBASSY SARAJEVO PRIORITY  
AMEMBASSY THE HAGUE PRIORITY  
DEPT OF JUSTICE WASHDC PRIORITY  
USMISSION USNATO PRIORITY  
USMISSION USOSCE PRIORITY  
USMISSION USUN NEW YORK PRIORITY

C O N F I D E N T I A L SECTION 04 OF 04 ZAGREB 000680

SIPDIS

STATE FOR S/WCI, EUR/SCE, INL/AEE, EUR/ACE, AND DRL  
JUSTICE FOR OPDAT AND ICITAP  
SARAJEVO FOR KONTOS AND TILMAN  
BELGRADE FOR BROWN

CONFIDENTIAL

PAGE 02 ZAGREB 00680 04 OF 04 260701Z  
THE HAGUE FOR JOHNSON/KAYE/WHEATON

E.O. 12958: DECL: 03/25/2013  
TAGS: [KAWC](#) [KJUS](#) [PREL](#) [KAWC](#) [KJUS](#) [PREL](#) [KAWC](#) [KJUS](#) [PREL](#) [KAWC](#) [KJUS](#) [PREL](#) [HR](#) [HRICTY](#) [UNSC](#)  
SUBJECT: CROATIA WAR CRIMES: GOSPIC CASE ENDS IN CONVICTION

THE CURRENT DRAFT LAW IS NOT GUTTED DURING GOC AND  
PARLIAMENTARY DELIBERATIONS.

-- WITNESSES WHO CHANGE THEIR TESTIMONY FACE NO SANCTION FOR  
PERJURY. THE CRIMINAL CODE SHOULD BE STRENGTHENED PENALIZE  
AND DETER SUCH ACTIVITY.

-- PROSECUTORS MUST BE GIVEN THE AUTHORITY TO STRIKE  
PLEA-BARGAINING DEALS IN CAPITAL CASES.

-- THE GOC AND THE CROATIAN SUPREME COURT MUST DEMONSTRATE  
FAR GREATER WILLINGNESS TO TRANSFER WAR CRIMES CASES FROM  
TROUBLED JURISDICTIONS TO SAFER LOCATIONS SUCH AS ZAGREB AND  
RIJEKA. THE GOC MAY ALSO WISH TO CONSIDER ESTABLISHING A  
SINGLE WAR CRIMES COURT THAT WOULD HANDLE ALL CASES AGAINST  
BOTH ETHNIC SERBS AND CROATS.

COMMENT

15. (C) THE GOSPIC CASE IS A STEP FORWARD. CROATIAN LAW  
ENFORCEMENT AND JUDICIAL OFFICIALS -- WITHOUT ANY OUTSIDE  
ASSISTANCE, INDEED, WITHOUT ANY POLITICAL COVER FROM THE GOC  
-- SUCCESSFULLY CONCLUDED A TECHNICALLY AND EMOTIONALLY  
DIFFICULT WAR CRIMES CASE AND CONVICTED A CROATIAN WAR HERO.

CONFIDENTIAL

PAGE 03 ZAGREB 00680 04 OF 04 260701Z

16. (C) THE CHALLENGE FOR US AND FOR THE FEW REFORMERS WITHIN  
THE GOC IS HOW TO LEVERAGE THE GOSPIC RULING TO SUPPORT  
EFFORTS TO MAKE LOCAL PROSECUTIONS OF WAR CRIMES FAIR AND  
TRANSPARENT. AS A NEXT STEP, WE ARE SCHEDULED TO DISCUSS THE  
GOSPIC CASE AND VARIOUS PROPOSALS TO CREATE A SPECIAL WAR  
CRIMES COURT WITH MINISTER OF JUSTICE ANTICEVIC-MARINOVIC  
APRIL 2.

17 (C) DOMESTIC WAR CRIMES TRIALS CAN DEMONSTRATE THAT THERE  
WAS A DARKER SIDE TO CROATIA'S INDEPENDENCE WAR AND HELP  
NEUTRALIZE A HOT-BUTTON ELECTORAL ISSUE THAT THE POLITICAL  
RIGHT MIGHT OTHERWISE EXPLOIT. ULTIMATELY, LOCAL PROSECUTION  
OF WAR CRIMES TRIALS WILL STRENGTHEN THE RULE OF LAW AND HELP  
PRODUCE A MORE STABLE AND SELF-ASSURED CROATIA THAT IS  
CAPABLE OF TAKING A LEADERSHIP ROLE IN THE REGION. IF  
SANADER'S STATEMENT IS ANY INDICATION, WE CAN EXPECT THAT  
BAJIC AND OTHER ACTIVISTS WILL BE REMOVED OR SIDELINED AND  
THIS IMPORTANT PROCESS WILL STOP, IF CROATIA'S  
UNRECONSTRUCTED RIGHT RETURNS TO POWER.  
ROSSIN

CONFIDENTIAL

>